

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 483 be amended to read as follows:

- 1 Page 12, between lines 1 and 2, begin a new paragraph and insert:
- 2 "SECTION 15. IC 3-11.7-6-4 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) As used in this section,
- 5 "disenfranchised voter" refers to a voter who satisfies all of the
- 6 following:
- 7 (1) The voter's provisional ballot was not counted.
- 8 (2) The voter's provisional ballot was entitled to be counted by
- 9 law.
- 10 (3) The voter's provisional ballot was not counted because of
- 11 error by any of the following:
- 12 (A) A poll worker.
- 13 (B) The circuit court clerk's office.
- 14 (C) The county voter registration office.
- 15 (D) Any other election official or person given a duty under
- 16 this title.
- 17 (b) The county election board shall do the following:
- 18 (1) Notify a disenfranchised voter not later than seven (7) days
- 19 after election day that the voter's provisional ballot was not
- 20 counted although the voter's provisional ballot was entitled to
- 21 be counted by law.
- 22 (2) Pay the provisional voter two thousand five hundred
- 23 (\$2,500) dollars.
- 24 (c) A disenfranchised voter has a cause of action against a
- 25 county election board if the county election board does not comply

1       **with subsection (b).**

2       **(d) If the court finds that a voter who files a cause of action**  
3       **under this section has shown by a preponderance of the evidence**  
4       **that the voter is a disenfranchised voter, the court shall award the**  
5       **following to the disenfranchised voter:**

6               **(1) Damages of two thousand five hundred dollars (\$2,500).**

7               **(2) Attorney's fees."**

8       Renumber all SECTIONS consecutively.

(Reference is to ESB 483 as printed March 15, 2005.)

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Representative Mahern